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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/575,122	04/07/2006	Ranga Madhavan Gurram	DRF 3.3-028	9217
45776 7590 01/31/2011 DR. REDDY'S LABORATORIES, INC. 200 SOMERSET CORPORATE BLVD SEVENTH FLOOR BRIDGEWATER, NJ 08807-2862				
EXAMINER				
ZUCKER, PAUL A				
ART UNIT		PAPER NUMBER		
1621				
NOTIFICATION DATE		DELIVERY MODE		
01/31/2011		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patpros@drreddys.com

# Office Action Summary

## Application No.

10/575,122

## Applicant(s)

GURRAM ET AL

## Examiner

Paul A. Zucker

## Art Unit

1621

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,2,6-36,40-55,58 and 59 is/are pending in the application.
- 4a) Of the above claim(s) 54-57 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,6-9,40,53,58 and 59 is/are rejected.
- 7) ☒ Claim(s) 10-36 and 41-52 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Current Status***

1. This action is responsive to Applicants' amendment of 10 November 2010.
2. Receipt and entry of Applicants' amendment is acknowledged.
3. Applicant's cancellation of claims 3-5, 37-39, 56 and 57 is acknowledged.
4. Claims 1, 2, 6-36, 40-55, 58 and 59 are pending.
5. The rejection under 35 USC § 112, first paragraph, set forth in paragraph 3 of the previous Office Action mailed 16 June 2010 is withdrawn in response to Applicants' amendment.
6. The rejections under 35 USC § 112, second paragraph, set forth in paragraphs 4-6 of the previous Office Action mailed 16 June 2010 are withdrawn in response to Applicants' amendment.
7. The rejections under 35 USC § 102 set forth in paragraphs 7 and 8 of the previous Office Action mailed 16 June 2010 are withdrawn in response to Applicants' amendment.

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### ***New Rejections***

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### ***Claim Rejections - 35 USC § 102***

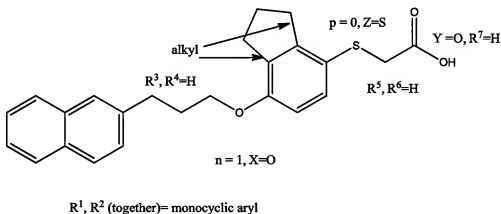
The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent

granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1, 2, 6-9, 40, 53, 58 and 59 are finally rejected under 35 U.S.C. 102(e) as being anticipated by Auerbach et al (US 6,875,780-B2 04-2005). Auerbach discloses (Col. 75, l. 1-15) the following compound with the allowed variable assignments shown:



The Examiner considers  $R^1$  and  $R^2$  to represent the same group and together represent an aryl group. Auerbach discloses (Col. 4, l.39-56) pharmaceutical compositions of the compounds and their use in the treatment of diabetes and hyperlipidemia. Auerbach therefore anticipates claims 1, 2, 6-9, 40, 53, 58 and 59.

### ***Claim Objections***

9. Claims 10-36 and 41-52 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Allowable Subject Matter***

10. The elected specie is free of art. Claims 10-36 and 41-52 are drawn to allowable subject matter. The following is a statement of reasons for the indication of allowable subject matter: The closest prior art, Tajima et al (US 2003/0153579 08-2003), Jeppesen et al (US 7,129,268-B2 10-2006) and Auerbach et al (US 6,875,780-B2 04-2005) either alone or in combination, neither discloses nor fairly suggests the instantly claimed compounds and compositions

***Examiner's Comment***

11. Upon rejoinder, method claims will be considered for compliance with 35 U.S.C. 112, 102 and 103. Applicants' should carefully amend the non-elected method claims, in light of the rejections applied, in their response to this action in order to assure expeditious passage to issue

***Conclusion***

12. Claims 1, 2, 6-36, 40-55, 58 and 59 are pending. Claims 1, 2, 6-9, 40, 53, 58 and 59 are finally rejected. Claims 10-36 and 41-52 are objected to. Claims 54- 57 are held withdrawn from consideration as being drawn to a nonelected invention.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul A. Zucker whose telephone number is 571-272-0650. The examiner can normally be reached on Monday-Friday 5:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Sullivan can be reached on 571-272-0779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Paul A. Zucker/  
Primary Examiner, Art Unit 1621